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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,687	02/26/2001	Knud Villefrance Rasmussen	108596	7914

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EXAMINER

CONE, DARIUS N

ART UNIT PAPER NUMBER

2854

DATE MAILED: 12/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/763,687

Applicant(s)

RASMUSSEN, KNUD
VILLEFRANCE

Examiner

Darius N. Cone

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 5 appears to be directed to a method of use, but it is not clear what steps are in the method. For example, does the method include only the "providing" step beginning in line 4, or does the language previous to this step also limit the claimed method. Since the scope of the claim cannot be ascertained, prior art cannot be applied to the claim.

Regarding claim 5, the phrase "preferably" renders the claim(s) indefinite because the claim includes elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

It is not clear whether (Bendtsen-Porosity) enclosed in the parenthesis is part of the positively claimed invention. Appropriate correction is required. It is also not clear as to what "admixed an easily" means in the 3rd to last line of the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 rejected under 35 U.S.C. 103(a) as being unpatentable over Akerblom et al.
(US pat # 5,196,030).

With respect to claim 1, Akerblom et al. teach being coated with a carboxymethylcellulose (CMC), an alginate or aqueous dispersion of saccharide syrup, starch, sorbitol and the like. Akerblom et al. also teach the pattern carrier web printed with water-soluble or dispersible dye mixed with a readable soluble carrier to be used in transfer printing without the use of heat. Akerblom et al. however, do not teach the air permeability being 500ml/min or more or the Cobb number being 50 or more, but teach a paper with an air permeability in particular 0.5 to 1-nm/Pa.s and a Cobb number less than 50. It would be obvious to one ordinary skilled in the art to modify Akerblom et al. use a paper with the claimed air permeability and water absorption as the result of routine experimentation since Akerblom et al. teaches permeability and absorption values close to applicant's claimed values and one of ordinary skill in the art would recognize that these values could be modified without substantially changing the function of the carrier.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akerblom et al. (US pat # 5,196,030) in view of Shinetsu Kagaku Kogyo K.K. (JP # 44-16135).

With respect to claims 2 and 3, Akerblom et al. teach all that is claimed as discussed above in the rejection of claim 1 except for using sorbitol, mannitol and reducing sugars as pattern carriers. Shinetsu Kagaku Kogyo K.K. teaches using starch, dextrin, carboxymethylcellulose and the like, substances which are well known in the art for pasting to pattern carriers, coating, adhering and protecting paper webs. It would be obvious to one ordinary skilled in the art to modify Akerblom et al. by using a sugar dispersion coating as taught by Shinetsu Kagaku Kogyo K.K. in order to temporarily bind the web or plurality of webs with the pattern carried on it, lowering viscous and reducing drying time producing a sharp and finely detailed transfer of patterns.

With respect to claim 4, Akerblom et al. teach all that is claimed as discussed above in the rejection of claim 1 except for saccharide syrup representing approximately 20% by weight of the dispersion. Shinetsu Kagaku Kogyo K.K. teaches teaches the dispersion of monosaccharides and oligosaccharides constituting preferably 10% to

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60% of the solid content or weight dispersion, making it obvious to one ordinary skilled in the art that any dispersion of these substances below %10 or above 60% will cause the adhesitivity to deteriorate and sliding separation becomes difficult.

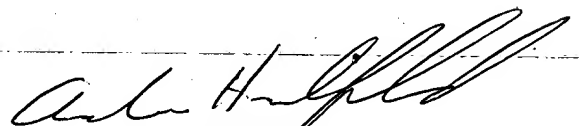
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darius N. Cone whose telephone number is (703) 308-1061. The examiner can normally be reached on 9am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (703) 305-6619. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-0725 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

DNC

December 16, 2002


ANDREW H. HIRSHFELD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800